

STATEMENT OF SCOPE

Department of Commerce

Rule No. : Chapter 5

Relating to : Licenses, Certifications and Registrations

1. Description of the objective of the rule.

The objective of the potential rulemaking project is to implement licenses, certifications and registrations mandated by legislation enacted during the 2009–2010 session. This includes the mandates of 2009 Wisconsin Act 16 relating to the licensing and regulation of thermal system insulation mechanics and of 2009 Wisconsin Act 28, s. 2155m, relating to construction contractor registration.

The objectives of this rule project may be incorporated into more than one rule package and may include revisions to other chapters affected by the proposal.

2. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives.

Chapter Comm 5 establishes licensing, certification and registration programs for a variety of building trades, both for individuals and businesses. Currently, under ch. Comm 5, no licensing program exists for thermal insulators. Failure to implement the statutory licensing mandates for thermal system insulation mechanics would be contrary to these legislative mandates.

The department administers a registration program for businesses engaged in building construction as contractors or subcontractors under ch. Comm 5. These rules, however, do not contain a means of assessing a forfeiture for non-compliance as mandated by Wisconsin Act 28. Implementing this statutory mandate would enhance the registration program.

3. Statutory authority for the rule.

Chapters 15, 20, 101 and 145, Stats., as affected by 2009 legislation.

4. Estimate of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule.

The department estimates about 200 hours will be needed to perform the review and develop any rule changes. The time includes reviewing current codes, meeting with advisory councils, if necessary, drafting the rule changes and processing the changes through public hearings, legislative review and adoption. The department will assign existing staff to perform the review and develop the rule changes, and no other resources will be needed.

5. Description of all of the entities that will be affected by the rule.

The 2009 legislation affects the following businesses and individuals: 1) certain thermal system insulators, and 2) all contractors and subcontractors associated with building construction who violate the law by not registering as a construction contractor with the department. Potentially, this could include general contractors, excavating contractors, fire alarm contractors, drywall contractors, insulation contractors, finish carpentry contractors, flooring contractors, framing carpentry contractors, glass and glazing

contractors, equipment contractors, fire sprinkler contractors, masonry contractors, wall covering contractors, plumbing contractors, poured concrete foundation and structure contractors, roofing contractors, siding contractors, structural steel and precast concrete contractors and tile and terrazzo contractors.

6. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

An Internet-based search of the *Code of Federal Regulations* (CFR) and the *Federal Register* did not find any federal regulations relating to the licensing activities to be regulated under the rules.

Approved for publication in the Wisconsin
Administrative Register at Madison, Wisconsin,
this date: _____

DEPARTMENT OF COMMERCE

Richard J. Leinenkugel, Secretary

Approved for implementation at Madison,
Wisconsin, this date: _____

DEPARTMENT OF COMMERCE

Richard J. Leinenkugel, Secretary